

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEMETRIUS MORENO,

Plaintiff,

MEMORANDUM AND ORDER

-against-

CV 05-2627 (LDW) (JO)

THE TOWN OF HUNTINGTON, et al.,

Defendants.

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APPEARANCES:

LEEDS MORELLI & BROWN, P.C.

BY: RICK OSTROVE and THOMAS RICOTTA, ESQS.

Attorneys for Plaintiff

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BY: JAMES P. CLARK, ESQ.

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WEXLER, District Judge

Plaintiff Demetrius Moreno brings this action against defendants asserting claims for discrimination and retaliation under 42 U.S.C. §§ 1981 and 1983; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000-e et seq.; and the New York State Human Rights Law, N.Y. Exec. Law § 296 et seq. Defendants move for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. Plaintiff opposes the motion.

Upon consideration, this Court concludes that genuine issues of material fact exist, precluding the entry of summary judgment. See Fed. R. Civ. P. 56(c) (party seeking summary judgment must demonstrate that “there is no genuine issue of any material fact and that the moving party is entitled to a judgment as a matter of law”); Celotex Corp. v. Catrett, 477 U.S.

317, 322 (1986); Gallo v. Prudential Residential Servs., Ltd., 22 F.3d 1219, 1224-25 (2d Cir. 1994). Accordingly, defendants' motion for summary judgment is denied.

SO ORDERED.

_____/s/_____
LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
March 8, 2007